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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,568

10/13/2005

Noelle Philippe

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1600

46507 7590 10/11/2007
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TORRANCE, CA 90505

EXAMINER

TRIEU, THAI BA

ART UNIT	PAPER NUMBER
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3748

MAIL DATE	DELIVERY MODE
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10/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,568

Applicant(s)

PHILIPPE, NOELLE

Examiner

Thai-Ba Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/28/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION***Priority***

It is noted that this application appears to claim subject matter disclosed in prior Application No.PCT/EP03/03934, filed on April 15, 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e),

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120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Information Disclosure Statement

1. The listing of references in the specification (See Page 1, line 26) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. In order to be considered by the examiner, a legible copy of the cited foreign patent document to WO 200203047 A1, which has not been submitted, is recited in the Notice of References Cited (PTO 892 Form).

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **"lands 42"** (See Page 9, line 33) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character **"43"** has been used to designate both **"bearing portion 43"** (See Page 9, line 32) and **"aperture 43"** (See Page 9, line 36). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, ***the “cooling slits and any integrated piping for motor cooling”*** (See Claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

a. The disclosure is objected to because of the following informalities: the following headings in the specification are missing:

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Background of the Invention,

Summary of the Invention,

Brief Description of the Drawings,

Description of Preferred Embodiments.

Applicant is requested to insert heading to separate the various parts application.

Appropriate correction is required.

b. The disclosure is objected to because of the following informalities:

1. Applicant discloses "... an electric motor cartridge defined in claim 1.... In the sub-claims 2 to 13" (Page 2, lines 6-8); however, claims may be amended or cancelled during the prosecution of the instant application, and therefore, is not an appropriate characterization of the invention.

2. Applicant discloses "... an electric motor cartridge defined in claim 14... in the sub-claims 15 to 17" (Page 2, lines 11-13); however, claims may be amended or cancelled during the prosecution of the instant application, and therefore, is not an appropriate characterization of the invention.

3. Applicant discloses "... an electric motor cartridge defined in claim 19... in the sub-claim 20" (Page 2, lines 16-18); however, claims may be amended or cancelled during the prosecution of the instant application, and therefore, is not an appropriate characterization of the invention.

4. Applicant discloses "... a compressor defined in claim 21" (Page 2, line 21); however, claims may be amended or cancelled during the prosecution of

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the instant application, and therefore, is not an appropriate characterization of the invention.

5. Applicant discloses "According to the technical solution defined in claim 1" (Page 2, line 23); however, claims may be amended or cancelled during the prosecution of the instant application, and therefore, is not an appropriate characterization of the invention.

Appropriate correction is required.

Claim Objections

1. Claim 8-19 are objected to under 37 CFR 1.75(c) as being in improper form because multiple dependent claims 8-19 cannot be *depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 8-19 have not been further treated on the merits.

2. Claims 1-7 are objected to because of the following informalities:

- In claim 1, line 1, "***Electric motor cartridge***" should be replaced by --

An electric motor cartridge --.

-- In claims 2-7, line 1, "***Electric motor cartridge***" should be replaced

by -- **The electric motor cartridge --.**

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frister (Patent Number 4,253,031).

Frister discloses an electric motor cartridge (10) comprising:

a first cartridge housing portion (12, 13); and

a second cartridge housing portion (12, 13);

the cartridge housing portions (12, 13) being coupled together so as to assemble the electric motor cartridge (10) by radially and axially positioning a stator (11) therebetween,

characterized in that

each cartridge housing portion (12, 13) has a semi-shell shape substantially comprised by a bottom portion (Not Numbered) and a cylindrical wall portion (Not numbered), wherein each cartridge housing portion (12, 13) provides a bore (Not Numbered) in the center of its bottom portion (Not numbered) for supporting respective portions of a rotor (9);

wherein at least one of the cartridge housing portions (12, 13) is provided with at least one recess portion (Not Numbered) formed at the inner side of the axial end portion of the cylindrical wall portion (Not Numbered) which extends at least partially in the circumferential direction of the cylindrical wall for receiving a projection (Not Numbered) of the stator (11);

wherein each cartridge housing portion (12, 13) is provided with one recess portion (Not Numbered), wherein the recess portions (Not Numbered) are symmetrically to a plane defined by the abutting tips of the cylindrical wall end portions;

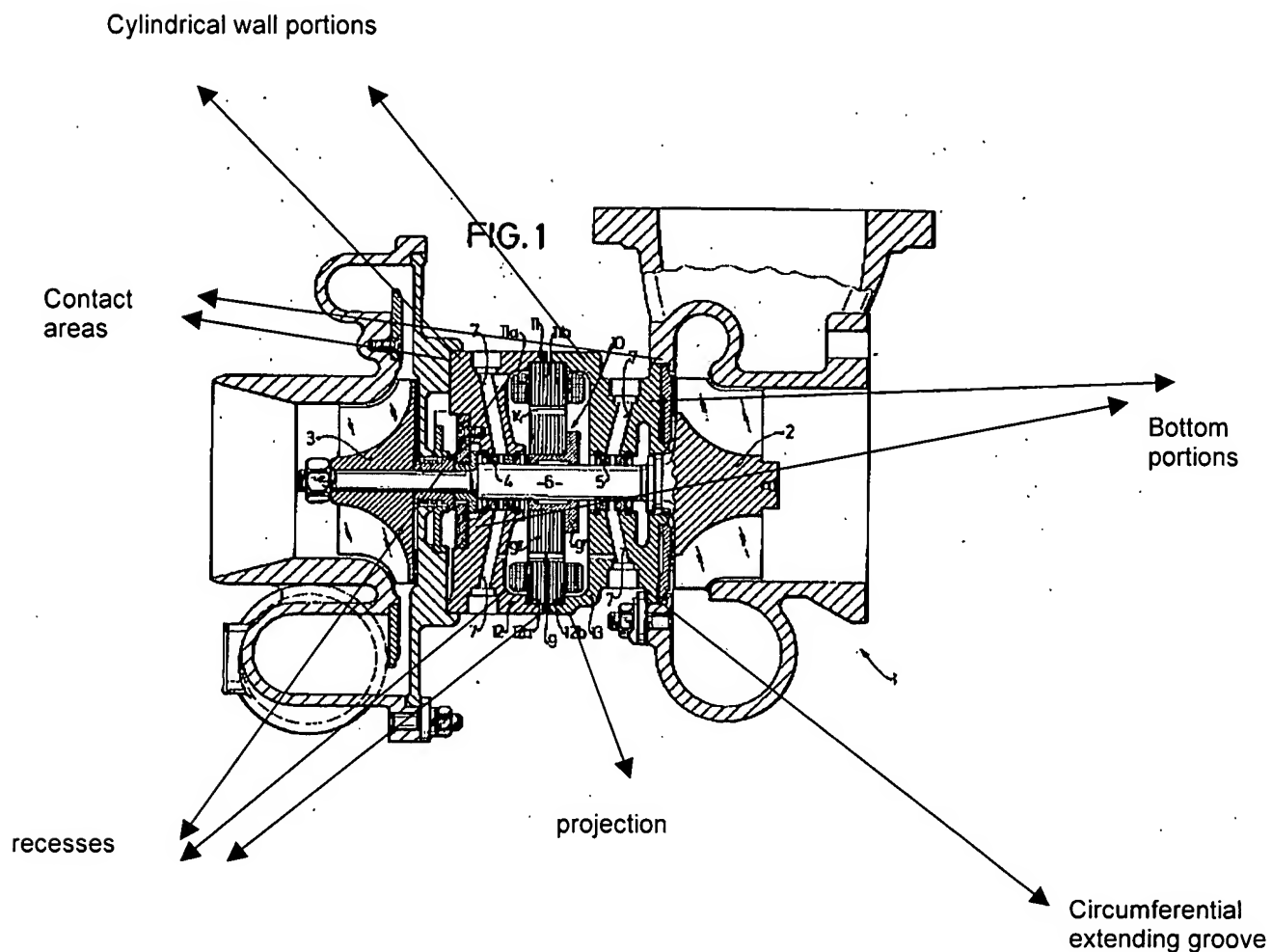
wherein at least one of the bottom portions (Not Numbered) is formed at least partly concave inwardly;

wherein at least one contact area (Not Numbered) is formed at each of the cartridge housing portions (12, 13) so as to be in contact with respective counter contact areas of two housings (Not Numbered) between which the cartridge is fittable;

wherein in at least one of the cartridge housing portions (12, 13) a circumferentially extending groove (Not Numbered) is disposed so as to receive an o-ring for sealing between

the cartridge housing (12, 13) and one of the two housings (Not Numbered) between which the cartridge (12, 13) is fittable;

wherein cooling slits and an integrated piping (via 7) for motor cooling is integrated in at least one of the cartridge housing portions (12, 13) (See Figure 1, Column 3, lines 1-68, Column 4, lines 1-31).



Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art Allen et al. (Patent Number 6,449,950 B1 or WO 02/23047 A1).

Allen discloses an electric motor cartridge (10) comprising:

a first cartridge housing portion (20, 16); and

a second cartridge housing portion (20, 16);

the cartridge housing portions (20, 16) being coupled together so as to assemble the electric motor cartridge by radially and axially positioning a stator (82) therebetween,

characterized in that

each cartridge housing portion (20, 16) has a semi-shell shape substantially comprised by a bottom portion (Not Numbered) and a cylindrical wall portion (Not numbered), wherein each cartridge housing portion (20, 16) provides a bore (Not Numbered) in the center of its bottom portion (Not numbered) for supporting respective portions of a rotor (84);

wherein at least one of the cartridge housing portions (20, 16) is provided with at least one recess portion (Not Numbered) formed at the inner side of the axial end portion of the cylindrical wall portion (Not Numbered) which extends at least partially in the circumferential direction

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of the cylindrical wall for receiving a projection (Not Numbered) of the stator (82);

wherein each cartridge housing portion (20, 16) is provided with one recess portion (Not Numbered), wherein the recess portions (Not Numbered) are symmetrically to a plane defined by the abutting tips of the cylindrical wall end portions;

wherein at least one of the bottom portions (Not Numbered) is formed at least partly concave inwardly;

wherein at least one contact area (Not Numbered) is formed at each of the cartridge housing portions (20, 16) so as to be in contact with respective counter contact areas of two housings (Not Numbered) between which the cartridge is fittable (See Figure 1, Column 2, lines 19-67, and Column 3, lines 1-6 of '950; or Page 3, lines 6-30, and Page 4, lines 1-16 of '23047 A1).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al. (Patent Number 5,121,605 or EP 0 338 147 A1).

Oda discloses an electric motor cartridge (Not Numbered) comprising:

a first cartridge housing portion (64, Not Numbered); and

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a second cartridge housing portion (64, Not numbered);

the cartridge housing portions (64, Not numbered) being coupled together so as to assemble the electric motor cartridge by radially and axially positioning a stator (58b) therebetween,

characterized in that

each cartridge housing portion (64, Not numbered) has a semi-shell shape substantially comprised by a bottom portion (Not Numbered) and a cylindrical wall portion (Not numbered), wherein each cartridge housing portion (64, Not Numbered) provides a bore (Not Numbered) in the center of its bottom portion (Not numbered) for supporting respective portions of a rotor (58a);

wherein at least one of the cartridge housing portions (64, Not Numbered) is provided with at least one recess portion (Not Numbered) formed at the inner side of the axial end portion of the cylindrical wall portion (Not Numbered) which extends at least partially in the circumferential direction of the cylindrical wall for receiving a projection (Not Numbered) of the stator (82);

wherein each cartridge housing portion (64, Not Numbered) is provided with one recess portion (Not Numbered), wherein the recess portions (Not Numbered) are symmetrically to a plane defined by the abutting tips of the cylindrical wall end portions (See Figure 20, Column

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14, lines 10-51 of '605, or Page 10, lines 41-58, and Page 11, lines 1-7 of '147 A1).

Conclusion

The IDS (PTO-1449) filed on June 28, 2006 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shimizu (Pub. Number US 2007/0169747 A1) discloses a motor driven supercharger.
- Tabata et al. (Pub. Number US 2006/0166778 A1) disclose a vehicular drive system
- Shibui et al. (Pub. Number US 2007/0108772 A1) disclose a motor driven supercharger.
- Prusinski et al. (Pub. Number US 2006/0225419 A1) disclose a turbocharger.
- Iida et al. (US Patent Number 7,071,585 B2) disclose a turbocharger with rotating electric machine.
- Iida et al. (US Patent Number 6,943,468 B2) disclose a turbocharger with rotating electric machine.
- Allen et al. (US Patent Number 6,845,617 B1) disclose a center housing design for electric assisted turbocharger.

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- Hara Shinji (Pub. Number JP 2000-145468 A) discloses an electric motor turbocharger.
- Hara et al. (Pub. Number JP 2000-130176 A) discloses an electric motor turbocharger having water jacket inside a stator housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
September 04, 2007


Thai-Ba Trieu
Primary Examiner
Art Unit 3748